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delivering the location of the first communication device to the second communication network.

61. (New) A method in accordance with claim 60 wherein a further location node is in communication with said second communication network, the method further comprising:
determining a location of said second communication device at said further location node responsive to said call initiation; and
delivering the location of the second communication device to the first communication device via said first communication network.

REMARKS

The above-identified patent application has been reviewed in light of the Examiner's Action dated September 13, 2005 ("the Office Action"), a petition for a two-month's extension of time being transmitted herewith. In the Office Action, the Examiner rejected Claims 1 – 2, 6 – 12, 14 – 16, 19, 21 – 22, 24, 26 – 32, 34, 36, 38 – 42, and 44 – 49 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Publication Number 2003/0035544 to Herle *et al.*; and Claims 3 – 5, 13, 17 – 18, 20, 23, 25, 33, 35, 37 and 43 under 35 U.S.C. §103(a) as being obvious over U.S. Patent Publication Number 2003/0035544 to Herle *et al.* in view of U.S. Patent Publication Number 2004/0203872 to Bajikar. In response, Applicants make the above amendments and the following remarks.

For purposes of clarity, and without intending to abandon or to dedicate to the public any patentable subject matter, Claims 32 – 45 are hereby cancelled. Claims 1 – 6, 8, 11, 14 – 18 and 46 are hereby amended. New claims 50 – 61 are hereby added. Therefore, **Claims 1 – 31, 46 – 61 are currently pending.** As set forth more fully below, reconsideration and allowance of the pending claims are respectfully requested.

The present invention is directed to a system and method that provides location information, location related information or both, to a first communication device, a second

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communication device or both. At least one communication network supports communication between the first communication device and the second communication device. Importantly, there is a location service center node connected to the communication network that receives requests for location information, location related information or both, validates the request and delivers the location information, location related information or both, to the requesting one of the first and second communication devices.

The first and second communication devices may be any type of communication device, including, but not limited to, a landline telephone, a wireless telephone and a VoIP telephone. Further, this invention provides location information, location related information or both to a called telephone as part of the call set up. Advantageously, location information, location related information or both regarding the called telephone may be delivered to the calling telephone.

***Herle* does not disclose or suggest a system or method wherein both communications devices can request and/or receive location information.**

Claims 1 – 2, 6 – 12, 14 – 16, 19, 21 – 22, 24, 26 – 32, 34, 36, 38 – 42, and 44 – 49 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Publication Number 2003/0035544 to *Herle et al.* (*herein "Herle"*). In order for a rejection under 35 U.S.C. §102 to be proper, each and every element as set forth in a claim must be found, either expressly or inherently described, in a single prior art reference. (MPEP §2131). In this application, however, each and every element of the rejected claims cannot be found in the cited reference.

Specifically, *Herle* does not disclose or suggest Applicants' system or method for providing location information to either or both of a first and a second communication device. *Herle* describes a system in which a client access device (171, 172, 173) may obtain that latest registered position of a mobile unit (111) from a mobile station location server (180). *Herle* teaches that a GPS unit (260) in mobile station (111) periodically or on demand reports the location of the mobile station to the mobile station location server. Mobile station location server stores the reported location in memory. A client access device may then

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access the memory of the mobile station location server to obtain the last reported location of mobile station in the system of *Herle*. *Herle*, paragraphs 0049 and 0050.

Herle does not teach or suggest, however, that the mobile device may obtain the location of any of the client access devices. The mobile station location server of *Herle* is not

configured to receive a request for location related information from a requesting one of said first and second communication devices regarding either one of said first and second communication devices... Claim 1, lines 9 – 12.

Applicants' Claim 11 includes the step of providing at least one of said location information and said location related information to one of said first communication device and said second communication device. Claim 11, lines 7 – 9.

Hence, Applicants' invention, at least as claimed in claims 1 and 11, is patentable over *Herle*.

Herle further does not teach or suggest that the mobile station location server is anything but that; a mobile station location server. Applicants' invention, on the other hand, can obtain location information from other nodes in the network (*e.g.*, an ALI, an SMLC, a PDE, *etc.*) as does Applicants' invention. Specifically, in independent claim 8, applicant claims that

location information regarding a first communication device is received from a network entity in a communication network... Claim 8, lines 6 – 8.

In claim 46, applicants' claim that their means for determining a location of a first communication device compris[es] at least one element on a communication network. Claim 46, lines 3 – 4.

It is respectfully pointed out that *Herle* merely teaches that all location information comes from the mobile telephone itself, not from a network entity as claimed in Applicants' claims. *Herle* could not provide a location for a landline telephone, for example.

Applicants' invention teaches and claims how to do so. Therefore, Applicants' independent claims 8 and 46 are patentable over *Herle*.

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Dependent claims 2, 6, 7, 9, 10, 12, 14 – 16, 19 – 22, 24, 26 – 31 and 47 – 49 depend from allowable independent claims and are thus allowable.

For the forgoing reasons, Applicants' claimed invention is not anticipated by *Herle*. Withdrawal of this rejection and allowance of these claims is respectfully requested.

Claims 3 – 5, 13, 17 – 18, 20, 23, 25, 33, 35, 37 and 43 under 35 U.S.C. §103(a) as being obvious over *Herle* in view of U.S. Patent Publication Number 2004/0203872 to Bajikar (herein "*Bajikar*").


Claims 3 – 5, 13, 17 – 18, 20, 25 and 43 depend from allowable independent claims and are therefore allowable. Further, Applicants' respectfully submit that there is no teaching or suggestion in these two references that they may be combined. *Bajikar* determines physical locations of a device on a wireless local area network; whereas *Herle* determines physical locations of a wireless device in a wireless telephone network. *Herle* specifically states that the mobile station determines its own location using a GPS or similar device. *Bajikar* determines location using techniques from a WLAN that may or may not work in a wireless telephone network. These two references are from two diverse fields and do not appear to be sufficiently related to be combinable. Therefore, withdrawal of this rejection and allowance of these claims is respectfully requested.

New Claim 50 – 61 are patentable for the above-cited reasons. Further, neither *Herle* or *Bajkar*, either taken alone or together, teach or suggest delivering a location as part of a call setup. Thus, new claim 50 – 61 are patentable.

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The application now appearing to be in form for allowance, early notification of same is respectfully requested. The Examiner is invited to contact the undersigned by telephone if doing so would expedite the resolution of this case.

Respectfully submitted,



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